

Decentralization and Natural Resources Management



The Case of the Rural Community of Pata,
Kolda Region

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Abbreviations and Acronyms

APCR	<i>Association des présidents de conseil rural</i> [Association of Rural Councils' Chairpersons]
ARD	<i>Agence Régionale de Développement</i> [Regional Development Agency]
ARD, Inc.	Associates in Rural Development, Inc.
CGRN	<i>Comité de gestion des ressources naturelles</i> [Natural Resources Management Committee (NRMC)]
CL	<i>Collectivité locale</i> [Local Collectivity]
CR	<i>Communauté rurale</i> [Rural Community]
CERP	<i>Centre d'Expansion Rurale Polyvalente</i> [Multi-purpose Rural Outreach Center]
CRD	<i>Comité Régional de Développement</i> [Regional Development Committee]
DEFCCS	<i>Direction des Eaux et Forêts, de la Chasse et de la Conservation des Sols</i> [Department of Forestry, Hunting, and Soil Protection]
E&F	<i>Eaux & Forêts</i> [Forestry Service]
FENU	<i>Fonds d'Equipeement des Nations Unies</i> [United Nations Capital Development Fund (UNCDF)]
FODDE	<i>Forum pour le développement durable et endogène</i> [Forum for Sustainable and Local Development]
GRN	<i>Gestion des ressources naturelles</i> [Natural Resources Management (NRM)]
GTT	<i>Groupe Technique de Travail</i> [Technical Working Group]
IREF	<i>Inspection Régionale des Eaux et Forêts</i> [Forestry Regional Inspectorate]
MATD	<i>Ministère de l'Aménagement du Territoire et de la Décentralisation</i> [Ministry in charge of Territorial Land Development & Decentralization]
MYF	Médina Yoro Foula

PAEF-K *Projet d'Appui à l'Entrepreneuriat Forestier – Kolda*
[Support Project to Entrepreneurship in Forestry – Kolda Branch]

PAGT	<i>Plan d'Aménagement et de Gestion des Terroirs</i> [Land Use Management and Planning (LUMP)]
PCR	<i>Président du conseil rural</i> [Rural Council Chairperson]
PGCRN	<i>Projet de Gestion Communautaire des Ressources Naturelles</i> [Community-Based Natural Resources Management Project (CBNRMP)]
PRDI	<i>Plan Régional de Développement Intégré</i> [Regional Plan for Integrated Development]
PROGEDE	<i>Projet de Gestion Durable et Participative des Energies Traditionnelles et de Substitution</i> [Project for the Sustainable & Participatory Management of Traditional & Substitute Energy Sources]
USAID	United States Agency for International Development

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Introduction

The present study was carried out within the framework of the “Decentralization and Local Governance Support” program, which is funded by US.AID and implemented by ARD, Inc. Through training and technical assistance, the program intervenes in several local communities in Senegal, including the Rural Community (CR) of Pata.

The strategic planning workshop of the Pata CR, which was held in May 2000 with support from the program, revealed the existence of conflicts opposing migrant and native populations with regards to natural resource management. During the rainy season the conflicts were exacerbated, claiming two lives and injuring several people. The Program thus deemed it useful to undertake a study focusing on decentralized management of natural resources in the Pata area in order to better understand the situation and suggest some alternatives for improvement.

This document presents the findings of the study. It is divided into five sections, i.e. (1) the context, (2) NRM dynamics in the Pata area, (3) analysis, (4) options as expressed by local stakeholder groups, and (5) recommendations to the Government and its development partners.

1. The Context

The National Institutional Context

Since independence in 1960, Senegal has been involved in an ongoing decentralization process¹. The most recent reforms (1996) have resulted in the creation of local collectivities (regions, and *communes d'arrondissement* in Dakar) as well as in the transfer of new responsibilities in several fields.

Senegal now counts 10 regions, 60 towns (including 4 cities), 43 *communes d'arrondissement*, and 320 rural communities (each containing 10-40 villages). Transfer of powers and responsibilities to collectivities have covered nine areas, namely:

- Management and use of State-owned property, public land, and national land;
- Environment and natural resource management;
- Health, population, and welfare;
- Youth, sports, and leisure activities;
- Cultural affairs;
- Education, literacy programs, promotion of national languages, and vocational training;
- Planning;
- Territorial development;
- Urban development and housing.

The Local Context in The Pata Area

(a) Biophysical Aspects

The Rural Community of Pata is one of 4 CRs in the Médina Yoro Fouta District. It has a surface area of 1.060 square kilometers, 23% of the district total. It is bordered to the south by the Ndorna Rural Community; to the east by the Médina Yoro Fouta CR; to the north and the west lies the Gambian border. Compared to other areas in Senegal, the Pata CR boasts significant natural resources and fairly high rainfall, averaging 800 mm/year. The plant cover is mostly soudano-guinean with wooded savannah predominating. The Pata forest reserve, a state-controlled area totaling 73.000 ha, covers portions of both the Pata and Ndorna CR's. 29.200 ha of the reserve lie in the southwestern part of the Pata CR. The forest still contains substantial sylvo-pastoral resources such as grazing lands, trees, ponds, etc.

(b) Socioeconomic Aspects

Officially, Pata counts 7.757 inhabitants, although this figure overlooks the numerous hamlets set up by the Wolof and Serer migrants who live in the forest reserve. The native population is largely made up of Peuls and Soninkés.

The main economic activities are cattle breeding and agriculture. Animal husbandry is still extensively practiced, which explains the importance of natural pastureland and watering points. The sylvo-pastoral resources in the forest reserve are particularly important for herders during the rainy season. Agriculture, which is viewed as the most important economic activity in the Pata area², is a combination of cash crops (peanuts, cotton, bananas) and subsistence crops (millet, corn, sorghum). It is mostly practiced on an extensive, stubble-burnt, and «itinerant» basis. Keeping pace with the steady in-flow of migrant populations from the Sine-Saloum region, peanut and millet growing has developed at a phenomenal rate since 1977.

Market-oriented forest exploitation is barely developed in the Pata CR in contrast to the Ndorna CR.

(c) The NRM Institutional Stakeholders

In the Pata district, several stakeholders are involved in NRM, namely:

Heads of Villages

They are the link between the territorial authorities who appoint them and populations. They are members of the land committee of the rural council and are responsible for the collection of rural taxes.

The Rural Council

The rural council is vested with significant powers in terms of allocation and withdrawal of lands located in the CR territory. With the advent of regionalization in 1996, its responsibilities have been strengthened. As regards natural resource management, its responsibilities include, among other things, the following:

- Management of forests located within the traditional settlement zone of the CR, based on a development plan approved by the forestry Service;
- Creation and operation of bush fire control committees;
- Creation of protected woodlots and areas;
- Design and implementation of the local action plan for the environment;
- Issuance of authorizations prior to any tree-felling to be performed within the CR zone;
- Prior opinion on any clearing to be performed;
- Management of natural sites of local interest.

The current rural council of Pata, elected in 1996, has 28 members. It has set up 12 committees, including a land committee and a conflict management committee. The Council is special in that it has well-educated leaders: the chairman is a retired firefighter commander who currently holds the office of vice-chairman of the APCR, the Association of Rural Councils' Chairpersons. There are two vice-presidents to the chairman, one of whom is educated.

Another special feature of the Pata CR is that it boasts a natural resources management committee, NRMC. Although it was created at the urging of the USAID-funded Community-Based Natural Resources Management Project [CBNRMP], the NRMC is a technical body of the rural council in matters relating to NRM. The Pata NRMC counts 19 members, six of whom are the rural councilors. The other members are representatives of the local population or civil society³. Technical services and NGO staff are members with observer status. In 1997, the Committee received support from

CBNRMP to steer the development of a land use management plan or LUMP, also known as PAGT. Difficulties in mobilizing the local financial contribution for the LUMP, set at 15% of total project cost, has resulted in a low implementation rate.

Except for a quite under-implemented budget and a barely-functional community center, the Council has no means of its own – be they financial, human, logistical, or technical – that would allow it to carry out its mandate to promote local development. Even secretarial services for the rural council are provided on a volunteer basis.

The Regional Council

Created by the 1996 reform, the Regional Council has significant responsibilities in terms of NRM, among which are the following:

- Management, protection, and conservation of forests, protected zones, and natural sites of regional interest;
- Distribution of regional quotas for forest exploitation among “communes” and CRs;
- Design, implementation, and monitoring of regional action plans developed for the environment;
- Issuance of permits for land clearing, subsequent to the opinion of the rural council.

The Sub-Prefecture

The sub-prefect is the representative of the central authorities at the level of the MYF district. He has one assistant and is responsible for the implementation of government policy, including NRM. He has substantial powers in terms of maintaining law and order, ensuring legal order, and monitoring operations of deconcentrated technical services and the rural council (approval of acts such as those relating to land allocation...). Given his wide-ranging responsibilities, the sub-prefect can play an important role in conflict prevention and management.

The Multipurpose Rural Outreach Center (CERP)

Under the administrative authority of the sub-prefect, the mission of the CERP is to assist rural populations in various sectors of development. It is made up of a multidisciplinary team which ensures technical supervision and training of populations in the fields of agriculture, animal husbandry, women's promotion, and forestry.

The Sub-Sector of the Forestry Service

The Sub-Sector of the forestry service is based in Pata and appears to function in relative autonomy from the sub-prefecture. Technically, it is under the tutelage of the Kolda departmental sector. It has important powers in terms of NRM due to its responsibility to ensure respect of Forestry Code provisions, notably in forest reserves that are placed under direct supervision of its services.

The FODDE NGO

The *Forum pour le Développement Durable et Endogène*, FODDE is an NGO which is now part of Pata's institutional landscape. A local NGO born after the withdrawal of the Belgian Association *Iles de Paix*, FODDE operates in the Pata area through the establishment of market gardens, water boring, and dikes. Both the rural council and local communities are quite appreciative of the NGO's interventions.

2. NRM Dynamics in the Pata Area⁴

(1) Previous Situation

For a long time now, Pata has been a zone for migrant settlements. Over time, the migrants have joined the native populations who are mostly agro-pastoral Peuls. During colonial days for instance, Soninké villages such as Kéréwan (founded in 1925), were settled in the zone. Wolofs also migrated to the Pata area and settled in villages such as Hamdalaye Samba Mbaye during the 1950's. Today, these populations are viewed as "natives". It should be noted, however, that demographic density remained quite low until recently, and that at the time that the Pata forest came under state management (1950), there were still considerable sylvo-pastoral lands.

At the beginning of the recent migration flows of the 1970's, the Pata area was occupied by several ethnic groups – with Peuls outnumbering the rest – all engaged in agricultural and livestock activities to varying degrees. The state-controlled forest, despite the presence of some Peul hamlets ("enclaves" dating back to the 1950's), remained mostly "intact", largely uncleared, and an important grazing place for local herders. Gambian farmer-herders, whose herds used to come and graze there during the rainy season, also exploited Pata's pastoral resources.

(2) Agriculture-driven Migrations

Beginning in the 1970's, this agro-ecological situation changed at a rapid and drastic pace. Faced with saturated land and increasingly poor soils in their original region, Sine-Saloum farmers—mostly Wolofs and Serers under the guidance of religious leaders—started to settle in the Pata area. In 1977, they founded their first village, Médina Mandakh, *within the state-controlled forest* (in the territory of the Ndorna CR). Other villages such as Médina Dinguiraye date back to that initial period of agriculture-driven settlement. Those villages in turn became "...*genuine bridgeheads* for the creation of new localities" (Fanchette, 1999: 7). Joining the Sine-Saloum farmers, a few Toucouleur agro-pastoral migrants followed suit and settled in the forest reserve.

The 1980's drought exacerbated even further this migration process. Moreover, migrants whose first villages in the forest reserve became over-crowded, tended to found new hamlets. This is the case of Darou Khoudos whose founder came from Darou Salam. Although most of these settlements occurred within the forest reserve, some migrants from Sine-Saloum also settled on land under the management of Pata's rural council. This is the case, for instance, of the Serer-Mouride community of Touba Fouladou and the Wolof-Tidjani village of Firdawsi⁵, both located along the Kolda-Pata road. To date, migrants continue to settle in the Pata zone. In Firdawsi, for instance, village inhabitants believe that some twenty heads of families have arrived over the course of the past year (1999-2000). Darou Khoudos, which was founded in 1995-96 with 11 families, now counts over 42 households.

(3) Current Situation

Presently, the Pata forest reserve hosts over forty villages and hamlets, mostly founded by migrant farmers from the peanut basin. Some villages are quite large; Médina Mandakh, for instance, counts more than 2,000 inhabitants. Despite the lack of a census, the number of people living within the state-controlled forest is estimated at close to 15,000 inhabitants. Those villages are often equipped with mosques, built in concrete, and a few of them have schools. It is rumored that some villages are officially recognized. Most of those villages are located in the portion of the forest reserve that lies in CR of Ndorna.

Apart from the forest reserve, the establishment of migrant villages in traditionally settled areas under rural council management has been much slower. In the Pata zone, however, there are 5 migrant villages. Moreover, some migrants have managed to settle into and integrate native villages on an "individual basis".

The consequences of such a migration flow are numerous:

- Vast surface areas have been cleared. Migrants are mostly farmers on the lookout for new land. They are often involved in large scale peanut growing. Being hard workers, they have succeeded in clearing more than half the wooded surface area of the state-controlled forest in less than 25 years. The “*Cordyla pinnata*”, locally known as “*dimb*” is the only species normally spared from clearing;
- Accessing the sylvo-pastoral resources has increasingly become an ordeal for local farmer-herders. On the one hand migrants often settle near ponds, blocking the access of cattle to watering points. Clearing has caused the depletion of grazing lands. This is a problem both in the forest reserve and on rural council-managed lands (although to a lesser extent);
- Conflicts between farmers and herders have become more frequent. While migrants seize cattle that roam their crop fields, livestock herders accuse migrants of taking violent action by poisoning ponds and maiming animals. Two deadly conflicts broke out this year between the two groups, claiming two lives and injuring several people;
- Native agro-pastoral populations are frustrated. Having respectfully adhered to regulations regarding the state-controlled forest, they question why migrants have been able to «freely» clear large forest surface areas. In this situation some of the natives-- especially the Soninkés of Kéréwan -- have begun to “covet” land located within the reserve. Others contend that the natives are becoming “jealous” of the migrants’ economic “success”;
- Migrants are increasingly being “kept out” of traditional settlement areas. Faced with the settlement of the forest reserve, the reaction of the of the Pata and Ndorna CR’s is to deny migrants the authorization to settle on community land. This generates among migrants a feeling of being «excluded» from the management of community affairs.

(4) Stakes and Perspectives

The evolution of the situation in the Pata area presents some important stakes, namely:

- The agro-ecological vocation of the zone. Although in the past the sylvo-pastoral component of the local economy was preeminent, nowadays things have obviously changed. Peanut growing and subsistence crops have taken precedence, and at the current pace, agricultural expansion will eventually “smother” the natives’ pastoral production system;
- Increasingly frequent conflicts between farmers and herders may drive those groups to resort to “local justice”;
- Frustration on both sides can turn competition over land into ethnic conflicts between native populations (mostly Peuls) and migrants (mostly Wolofs and Serers, who are locally viewed as “northerners”). Should such an ethnic conflict break out, it could turn into a rebellion against central authorities⁶, following the example of the Lower Casamance region.

3. Analysis

It is now clear that the socio-ecological crisis in the Pata area is the result of on-going, massive, and uncontrolled settlement of migrant farmers from the peanut basin. For the most part, but especially in the state-controlled forest, these settlements were unlawful. Why has the legislation been so totally ignored for such a long period of time? Failure to enforce the law has stemmed from the joint action of several stakeholders and from factors, both “internal” and “external”.

(1) "Internal" Factors

Corruption: It is omnipresent in this affair. Money has played a key role in the settlement of migrants. In short, migrants paid for the right to settle, with the money going to certain civil servants and rural councilors, who gave their verbal assent and looked the other way.

Family collusion: In some cases, family collusion is reported to have been the source of migrants' settlements. It is rumored that a high-ranking official originally from the Saloum region helped many relatives settle within the state-controlled forest.

Ignorance of both elected officials and migrants: In the past, land management was the responsibility of a rural council whose members were illiterate and knew little about their role, attributions, and provisions of the law. Therefore, they would unknowingly sign documents presented to them. As for some migrants, they thought that the tacit agreement of the sub-prefect or rural council chairman meant authorization to settle. Only when the forestry service staff would fine them did they realize they were occupying the land unlawfully. Due to their ignorance of the law, both elected officials and settlers thought land attribution by the rural council translated into the right to clear land without

(2) “External” Factors

Political and religious interference: According to some local stakeholders, high-ranking political and religious authorities interfere in favor of illegal settlers. Two ministers of domestic affairs under the former Government are cited as having signed recommendation letters in favor of some agricultural land seekers. Others are believed to have presented letters signed by the Office of the President. However, no evidence to support those allegations has been furnished.

Although a factor, religious interference is not as significant as it has been reported. In effect, the Mouride or Tidjani brotherhood networks generally come into play when illegal settlers are at risk of being penalized. In some cases, the Caliphs are believed to have directly intervened in favor of their disciples who were found at fault by the forestry service staff or courts. Agents who conscientiously enforced the law are reported to have been penalized (re-assignment to new areas) following the intervention of a religious leader – a situation which leads them to complain about their lack of authority.

Inadequate regulatory instruments: For a long time, the Forestry Code gave the State full control over the management and conservation of forest resources. The 1998 reform took a step in the direction of greater involvement of local populations, but rural council and inhabitants of Pata remain excluded from management of the forest reserve. Experience has demonstrated that the forestry service alone cannot adequately manage those protected areas.

The agro-ecological crisis: The severe agro-ecological crisis in the peanut basin has led affected populations to look for survival strategies. Some have migrated to the big cities while others have fallen back onto the vast sylvo-pastoral hinterland of the near-by Kolda region. The State’s *laissez-faire* approach has recently been called into question, however. The prime minister was called upon to address the issue at a special regional development committee (CRD) session which he presided in Kolda in Sept. 2000.

From the analysis of both «internal» and «external» factors, it appears that the crisis is fundamentally one of poor governance in a deteriorating agro-ecological context – the heritage of several years of lax, and non-transparent operation of public services.

(3) *State-controlled Forests and Community-controlled Land: Lessons of a Paradox*

An analysis of the evolution of NRM in the Pata zone reveals the failure of state management of the forest reserve. Migrants from the Sine-Saloum settled without supervision, mainly on lands in the state-controlled forest, which became *de facto* “newfound lands”. The trend was no simple accident, since northern migrants were able to “negotiate” their settlement quite easily due to the tacit approval of the region’s technical and administrative authorities. Approval was granted on several bases: financial incentive, ethnic or religious “solidarity”, and sometimes, intervention from high ranking officials –including Tidjani and Mouride brotherhood leaders–in favor of migrants. Thus the state-controlled forest, which is supposed to be protected and conserved, was transformed, in practice, into a *freely accessible good*.

On the other hand, it has been, and remains, difficult for migrants to settle on CR land that is under direct and indirect management of rural councils and local populations, respectively. While some migrants have indeed settled on “community land” and, along with local inhabitants, performed uncontrolled clearings, it is clear that local management of natural resources has notably been better than the State’s management. In this regard, Fanchette (1999:29) states “... *In Upper Casamance, it is paradoxical to note that state-controlled forests are not as properly protected as the wooded areas managed by rural communities*”.

The lesson to be drawn from such a paradox is obvious: those who are most negatively impacted by poor management of natural resources are generally in a better position to ensure sustainable management of those resources.

4. What is to be done at the local level?

Stakeholders at all levels know that the current situation in the Pata area is fraught with conflict. Several “solutions” have been suggested, either formally or informally.

(1) Maintaining the status quo

According to some community representatives, the point of no return has been reached and the *status quo* should be maintained: migrants are to remain in the forest reserve, under the auspices of the State, and rural councils are to continue to manage traditionally settled lands, keeping migrants out. It is understood that maintaining the *status quo* would lead to further clearing of wooded areas of the forest reserve which are still intact. The rationale behind such a “sacrifice” lies in the fact that migrants would not touch community-controlled land. However, maintaining the *status quo* is not a “solution” as such, especially from a viewpoint of *sustainable* management of natural resources.

(2) Adopting “legalistic” solutions

While some people argue in favor of the *status quo*, others believe the solution to be strict enforcement of the law.

As stated in the provisions of article L 45 of the Forestry Code, “*whoever, without prior authorization, clears land or grows crops within forest areas or on protected national lands for conservation or development purposes is liable to a fine of 50.000 to 500.000 CFA Francs and a prison sentence of one month to two years. The same applies to whoever settles illegally in the above described zones.*” Provisions of article L64 of the Code apply to corruption and stipulate that: “*Forestry agents and those commissioned by forestry authorities are not allowed, under penalties provided for by the criminal code, to receive, directly or indirectly, any bonus, gift or present for operations falling within their duties.*” Champions of “legalistic” solutions therefore favor the outright removal of over forty illegally settled villages within the Pata reserve, some of which count more than 1000 inhabitants and have been there for more than 20 years. They also favor the establishment of a rural land registration system, and the strengthening of the coercive powers of rural councils’ chairpersons.

Others, however, think that the path to take in order to prevent farmer-herder conflicts is to simply enforce decree n° 80-268 of March 16, 1980 pertaining to the organization of cattle trails and pastureland use. This outdated decree should probably be amended in order to adapt it to current realities.

The law can surely play an important role in solving the current crisis, but it can only fulfill its possibilities if the institutional stakeholders involved develop a sense of ownership and abide strictly by it in every act of public – and private – life. This is unfortunately not the case. Given the fact that a “laissez-faire” situation has prevailed for over 20 years, it would make more sense to find ways to enforce legislation and regulations in a fair, flexible, and sensible manner. Any such effort should refer more to the spirit than to the letter of the relevant legal dispositions, which need to be disseminated and made known to all concerned actors. As regards inadequate provisions such as those that exclude local populations from the management of forest reserves, it would be better to amend them in view of achieving participatory, decentralized, and transparent management of forest resources.

(3) Adopting “technically-oriented” solutions

Several stakeholders think the best solution lies in the intensification of agriculture, which would allow farmers to use land rationally and leave space for sylvo-pastoral activities. However, such an alternative does not seem to be that relevant in the Pata context for several reasons, namely:

- Agricultural intensification will be, at best, a long-term process while the situation in Pata requires short-term solutions in order to prevent future conflicts and the complete clearing of the state-controlled forest;
- From experience, it has been demonstrated that agricultural intensification is seldom achieved if farmers know they can have access to new lands;
- Promotion of agricultural intensification requires substantial resources that are not likely to be found under current conditions.

Other stakeholders view peanut growing as the real cause of extensive clearings. They argue that it is no longer profitable and should be halted. It is far from obvious, however, that peanut growing has become unprofitable⁷; furthermore, it would be impossible to simply “decree” its abandonment.

Some stakeholders believe the solution lies in the planning and development of the Pata reserve by the forestry services. Such a solution seems difficult to achieve for the following reasons:

- Planning and development of the Pata forest reserve would require considerable human and financial resources which the forestry service is unlikely to mobilize. Beyond “classic” technical interventions, management of the forest (to be realistic) would entail the settlement, on a contractual basis, of several thousand farmers, which appears far beyond the capacities of the forestry service.
- Moreover, the review of the Pata forest reserve reveals the failure of past state management. Is it realistic, then, to assume that things will change in the future?

In general, the “technically-oriented” solutions appear too sectorial and do not take into account the institutional dysfunction which constitutes a major part of the problem.

(4) Adopting “pragmatic” solutions

Because they consider that the forestry service alone is not capable of ensuring proper management of the forest reserve, several local stakeholders suggest that local populations -- via the CR's -- be directly involved in its management. As the parties most interested in the future of the forestry resources, local populations are supposed to be the group most motivated to ensure sustainable management of the forest. It is therefore recommended that the forestry service and rural councils develop and implement, on a concerted basis, a simple management plan for the forest reserve. It goes without saying that any such plan would insist on the “stabilization” of migrant farmers in order to avoid new clearings. Despite the pragmatic nature of such a suggestion, two major issues need to be highlighted:

- In the current institutional framework, reserves are the responsibility of state authorities alone. Existing legislation does not provide for its collaborative management, except in terms of contracts to be established with farmers.
- The involvement of *populations bordering on the forest reserve* in its management (through the CR's), should not be done *to the exclusion of resident populations*. To ensure that the collaborative management plan be successful, it will be necessary to see to it that migrants who are settled within the reserve have a chance to participate in the development and implementation of such a plan.

As regards the issues related to the management of natural resources on community lands, certain stakeholders propose that the Pata CR establish and define a zoning plan, in order to delineate different sub-zones for agricultural and livestock activities. On this basis, the rural council will deliberate upon future allocation of land. Two points need to be made regarding this recommendation:

- Definition of the Pata CR's lands should be carried out in a participatory and transparent manner. On the one hand, it calls for wide consultation with all users (including migrants already settled on community-controlled land). On the other hand, the outcome of such a definition should be disseminated in all the villages and hamlets of the CR.
- It will also require that borders of the national lands falling under the authority of the Pata CR be identified and clearly marked.

Other local stakeholders, recognizing that any solution of the problem related to the settlement of migrants in the Pata area (reserve and community-controlled lands) might simply «transfer» it elsewhere, propose the establishment or revitalization of consultative frameworks at all levels: district, department, region. Presently, with the exception of CLDs, the rural councils of the MYF district get together only once a year to organize cultural events⁸. Obviously, each CR should link its NRM “local policy” with the “policies” of neighboring CRs.

Local stakeholders unanimously emphasize the crucial need for training in and information about the legal provisions and procedures recommended in terms of NRM and land tenure. In the Pata area, as well as elsewhere, local stakeholders do not have a thorough understanding of existing legislation and do not know which of the procedures to adopt when allocating land, authorizing clearings, etc. The problem is obvious at all levels: populations, elected officials, central administration, and technical and extension services. Such a situation does not foster good governance.

(5) Conclusion

Overall, the authors believe that the proposed “pragmatic” solutions – if approached in a holistic manner – may be the most appropriate way to durably solve the current crisis because they are feasible and apt to take into account the concerns of different stakeholders while safeguarding ecological balance.

5. Options for the State and Its Development Partners

Three types of recommendations are made to the Government and its development partners and presented by order of priority (local, regional, and national levels) as follows:

(1) At The Local Level:

- Support the creation of consultative, discussion frameworks at various levels for the following:
- Natural resource management in the Pata CR. Such a consultative framework should include not only representatives of involved CLs but also other stakeholders (natural resource users, villages, migrants, local technical and extension services, administrative authorities, projects, NGOs, etc.). The NRMCC could serve as the recommended discussion framework provided that the committee is independent of the CBNRMP⁹, is open to all NRM stakeholders, and includes representatives of all natural resource users, including migrant farmers. The consultative framework should give impetus to a direct and amicable dialogue among different socioeconomic groups involved in recent conflicts in view of setting policies for the management of NR on community-controlled land.
- Management of the Pata forest reserve. This is an informal framework which should include, among other groups, the forestry service staff, administrative authorities, village chiefs,

representatives of the Pata and Ndorna CRs, representatives of communities settled within the forest, and the various projects and NGOs. It should allow the expression of the widest possible consensus about conditions and modalities for use of the state-controlled forest¹⁰, as well as determine its borders.

- Ensure coherence of NRM interventions in the 4 CRs of the Médina Yoro Fouta district. Such an inter-community framework is crucial to harmonious management of both resources and space.
- Support the Pata CR in the concerted development and implementation of a simple zoning plan for its entire territory. The remodeled NRMC could help lead such a reflection. Once defined, the zoning plan should serve as reference framework for future land allocation by the rural council and for management of community space. ARD, Inc. and relevant technical and extension services should provide the necessary technical assistance in carrying out the process.
- Support the Pata CR in the development, and *above all*, the implementation, of simple and appropriate tools for the management of community land. Those tools would help the rural council accurately define allocated lands, adequately follow up on the evolution of said allocations, and make the land allocation process as transparent as possible. Methods of *concerted* delineation of the CR territory could be included therein.

(2) At The Regional Level:

Support should be provided to the following:

- The Kolda Regional Council's project regarding the development of a «charter» dealing with procedures for the region's CLs. Such a «charter» would help translate into practice and in simple, clear terms, the legal provisions for carrying out CL powers and responsibilities.
- *Participatory* design and monitoring of the Integrated Regional Development Plan (PRDI) by the Kolda Regional Council.

(3) At The National Level:

- Support CLs to help them thoroughly master procedures relating to the implementation of land and NR rules and regulations. This would include training of elected officials, development of simple and appropriate tools for land and NR management, and support and advice. It will also be important to train other stakeholders (administration, technical and extension services, civil society, etc.) to help them better understand the powers and responsibilities of the CLs;
- Make clear the content of legislation to help rural councils ensure prior authorization for clearings, through deliberations which should be submitted for approval to the Regional Council. Under current legislation, the rural council only gives its opinion on clearing requests;
- Reflect on the relevance on involving the CLs, on a «statutory» basis, in the management of forest reserves which they border. This would entail amending current legislation;
- Promote media coverage of decentralization in rural areas, (for instance through support to the creation of a network of journalists for good, local governance). Such media exposure would foster transparency in the operations of the CRs and deconcentrated administrative authorities;
- Ensure effective monitoring of the operations of territorial administration (Governor's services, prefecture, sub-prefecture), de-concentrated technical and extension services, and

CLs. Based on the findings of such monitoring, the State should take the necessary measures, be they positive or negative;

- Involve civil society as much as possible in the functioning and monitoring of Regional Councils through the revitalization of Socioeconomic Committees; consider establishing such bodies at the “commune” and CR levels in order to ensure greater involvement of different social and economic groups in the management of local affairs;
- Think about the issue of human, financial, and material resources the CRs should be provided with. It is obvious that most CRs do not have adequate means to carry out their mandate;
- Ensure involvement of CLs in the current land reform process.

A provisional operational plan of the above recommendations is presented in Annex 5 of this document.

¹ See Annex 2 for a list of legislation and documentation on decentralization in Senegal.

² See CBNRMP, 1997, “RRA Diagnostic Report of the Pata Rural Community”.

³ Normally, the NRMC is made up of 6 Rural councilors (two of them are women), 4 representatives from each zone’s sub-committee, representatives of women’s and youth groups, corporations, Parents of students, active NGOs, projects, Peace Corps, and CERP staff. The zones’ sub-committees are made up of heads of villages, representatives of various groups, representatives of natural resources users (cattle breeders, farmers, forest workers).

⁴ For detailed information on the dynamics of NRM in the Pata area, as well as socio-political analyses of the current situation, refer to Fanchette, S. 1999 *Colonisation des terres sylvo-pastorales et conflits fonciers en Haute-Casamance*, in: Collection tenures foncières pastorales n° 13, IIED, Londres.

⁵ “Firdawsi” is the Arabic word for “Highest level of Heaven”. It indicates the value migrants attach to their new dwelling.

⁶ The analysis of problems related to NRM in the Pata area reveals paradoxical “trends” regarding the status of natives and citizens. On the one hand natives (mostly the Peul community natives) have a feeling that they are viewed as second-class citizens since they have no right to access the State-controlled forest while migrants from the Sine-Saloum manage to clear huge surfaces of the forest (Fanchette 1999:29). On the other hand, migrants are kept out of local affairs management (mostly land management) in the CRs whose rural council denies them land allocation, despite their being just “as” Senegalese citizens as the natives are. At the local level, migrants feel they are marginalized although they do pay rural taxes. In a sense, this feeling is somewhat justified in that the Pata Rural council for instance counts 28 members of whom only two are Wolof and both belong to the Wolof villages viewed as “native”.

⁷ Farmers are not irrational; they grow peanuts for “good” reasons.

⁸ There are no records showing that local development committees have been meeting.

⁹ In order to prepare the scheduled withdrawal of the CBNRMP, it is deemed necessary to call a meeting of the entire body of local stakeholders in order to lay the foundations for sustainable functioning of the NRMC as the technical operational “arm” of the Rural council in NRM matters.

¹⁰ For the reasons below, it is not recommended to remove management of the Pata forest from the State: (i) it is a very slow process which would require a Presidential Order (see Forestry Code, Articles R. 38 to R. 46 of decree n° 98-164 dated February 20, 1998); (ii) it could set a “precedent”.